

Remarks

This is a complete response to the Office Action mailed 5/16/2006. The amendments to the specification and claims herein serve solely to more particularly point out and distinctly claim that which is patentable subject matter. The amendments and accompanying remarks are proper, do not contain new matter, and are not narrowing of scope in response to a rejection over a cited reference.

Support for new claim 21 is found at least in the Examiner's statement of the reasons for allowability of claims 1-19 (Office Action of 5/16/2006, pg. 4)

Objection to the Abstract

The Abstract was objected to for being too long. Applicant has amended the Abstract to obviate the objection. Withdrawal of the objection is respectfully requested.

Objection to the Claims

Claims 1-19 stand objected to for informalities in that the Examiner stated that the recited term *N* needs a more particular definition in the claims. Applicant has amended claims 1, 4, 6-8, 10, 13, 16, and 18 to delete all recitations of the term *N*, effectively replacing it with the term *sample*. The specification is replete with support that the term "N" refers to the "sample size" (see, for example, specification paragraphs [0007], [0008], and [0029].

These amendments obviate the present objection. Withdrawal of the objection is respectfully requested.

Rejection Under Section 103

Claim 20 stands rejected as being unpatentable over Chuang '240 in view of Zhu '791. This rejection is respectfully traversed.

Claim 20 is in the form of a means plus function claim in accordance with 35 USC 112 paragraph six. As such, the Examiner is obligated to construe the claim in terms of the disclosed structure and equivalents thereof that are capable of performing the identical recited function. *Supplemental Examination Guidelines for Determining the Applicability of 35 U.S.C. 112, Para. 6*, 65 FR 38510; MPEP 2181; *Linear Technology Corp. v. Impala Linear Corp.* 72 USPQ2d 1065 (Fed. Cir. 2004). The Examiner's failure to do so is reversible error.

Applicant agrees with the Examiner to the extent that Chuang '240 is wholly silent regarding the use of an optical measuring sensor. Applicant also agrees with the Examiner to the extent that Zhu '791 discloses using an optical sensor to detect disc movement. However, the Examiner's implication that Zhu '791 uses the optical sensor to "minimize the imbalance of a disc stack" is a mischaracterization of what Zhu '791 actually discloses. (Office Action of 5/16/2006, pg. 3) That is, the passage relied on by the Examiner (Zhu '791 col. 42 lines 48-67) discloses biasing the individual discs in a disc stack before clamping the stack to the motor. Zhu '791 makes no explicit or implicit reference to the optical measuring system in reference to this biasing procedure. The skilled artisan readily recognizes that biasing the discs in this manner involves no more than urging the discs against the motor hub to spread the diametric clearance therebetween symmetrically around the motor hub, thereby equally distributing the totality of the disc mass.

The cited references disclose no structure whatsoever that optically compensates for disc stack imbalance. The Examiner has not substantiated a *prima facie* of obviousness because he has not set forth any evidence in the record that would motivate the skilled artisan to modify the structure disclosed in the cited references to arrive at the disclosed structure or structural equivalents thereof of the present embodiments as claimed. Reconsideration and withdrawal of the present rejection are respectfully requested.

Allowable Subject Matter

Applicant gratefully acknowledges the indication that claims 1-19 are allowable. Applicant has amended the claims to obviate all objections, placing them in condition for allowance.

Conclusion

This is a complete response to the Office Action mailed 5/16/2006.

Applicant has also filed herewith a request for telephone interview. The interview is necessary to clarify any unresolved issues associated with the unsubstantiated rejection of claim 20.

The Examiner is encouraged to contact the Attorneys listed below should any questions arise concerning this response or if any other issue arises delaying passage to allowance

Respectfully submitted,

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